

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

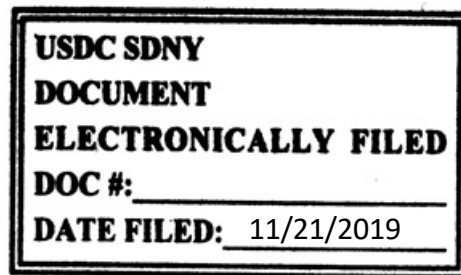
Robert W. Johnson,

Plaintiff,

-against-

Commissioner of Social Security,

Defendant.



1:19-cv-03749 (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

On November 8, 2019, Plaintiff filed a motion seeking a default judgment on the basis that, among other things, Defendant has not met Court deadlines, including by failing to file the Electronic Certified Administrative Record applicable to Plaintiff's claim for Social Security benefits, and that Plaintiff is entitled to the relief sought. (See ECF No. 31.)

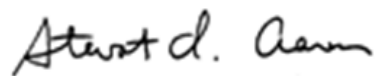
"A motion for a default judgment must be made in compliance with Rule 55(b) of the Federal Rules of Civil Procedure and Local Civil Rule 55.2." *Rankel v. Kabateck*, No. 12-CV-00216 (VB), 2013 WL 7161687, at *7 (S.D.N.Y. Dec. 9, 2013) (citing *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 477 (2d Cir.2006) (per curiam) ("*pro se* status does not exempt a party from compliance with relevant rules of procedural and substantive law") (internal quotation marks omitted)). Even assuming Plaintiff properly had moved for a default judgment, "motions for default judgments will be denied where a party appears to defend unless it is clear that under no circumstances could the defense succeed." *Id.* (internal citation and quotation marks omitted). Here, Defendant has appeared and filed a motion to dismiss. (See Not. of Mot., ECF No. 26.) Thus, Plaintiff's motion is without merit and is DENIED.

It is further ORDERED that Plaintiff shall respond to Defendant's Motion to Dismiss no later than December 20, 2019. Plaintiff is reminded that there is a legal clinic in this District to assist people who are parties in civil cases and do not have lawyers. The Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the Pro Se Intake Unit). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10:00 a.m. to 4:00 p.m., except on days when the Court is closed. An unrepresented party can make an appointment in person or by calling 212-659-6190.

The Clerk of Court is directed to terminate the motion at ECF No. 31 and mail a copy of this Order to the *pro se* Plaintiff.

SO ORDERED.

DATED: New York, New York
 November 21, 2019

A handwritten signature in black ink, reading "Stewart D. Aaron", is written over a horizontal line.

STEWART D. AARON
United States Magistrate Judge